

AMENDED IN SENATE JUNE 29, 2002

AMENDED IN ASSEMBLY MAY 14, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

## ASSEMBLY BILL

**No. 2500**

**Introduced by Assembly Member Corbett**

February 21, 2002

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An act to amend Section 798.86 of, and to add Section 798.89 to, the Civil Code, relating to mobilehome parks.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2500, as amended, Corbett. Mobilehome parks: actions.

Existing law, the Mobilehome Residency Law, regulates the terms and conditions of mobilehome park tenancies. The Mobilehome Residency Law requires that in an action to enforce its provisions, the prevailing party shall be entitled to reasonable attorney's fees and costs and, if a homeowner or former homeowner of a park is the prevailing party, as specified, the homeowner, in addition to damages afforded by law, may be awarded an amount not to exceed \$2,000 for each willful violation by park management.

This bill would provide that ~~the award of \$2,000 for willful damages is in addition to any general damages or punitive damages otherwise afforded by law. The bill would provide that~~ a prevailing homeowner or former homeowner *may be* awarded *either* punitive damages ~~may not also recover this or the~~ statutory penalty *described above*. This bill would also require that, except pursuant to specified provisions, any action arising out of the Mobilehome Residency Law ~~be filed in the county in which the mobilehome park is located, regardless of whether~~

~~the action is related to other causes of action that could be filed elsewhere shall be subject to a change of venue only to remove the action to the county where the mobilehome park is located.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 798.86 of the Civil Code is amended to  
2 read:

3 798.86. (a) If a homeowner or former homeowner of a park  
4 is the prevailing party in a civil action, including a small claims  
5 court action, against the management to enforce his or her rights  
6 under this chapter, the homeowner, in addition to ~~any general~~  
7 ~~damages or punitive damages otherwise~~ afforded by law, may, in  
8 the discretion of the court, be awarded an amount not to exceed two  
9 thousand dollars (\$2,000) for each willful violation of this chapter  
10 by the management.

11 ~~(b) A homeowner or former homeowner who is the prevailing~~  
12 ~~party in an action described in subdivision (a) who is awarded~~  
13 ~~punitive damages may not also recover statutory penalties under~~  
14 ~~subdivision (a).~~

15 (b) A homeowner or former homeowner of a park who is the  
16 prevailing party in a civil action against management to enforce  
17 his or her rights under this chapter may be awarded either punitive  
18 damages pursuant to Section 3294 of the Civil Code or the  
19 statutory penalty provided by subdivision (a).

20 SEC. 2. Section 798.89 is added to the Civil Code, to read:

21 798.89. Except upon a motion pursuant to Section 397 of the  
22 Code of Civil Procedure, an action arising out of the provisions of  
23 this chapter shall be filed in the county in which the mobilehome  
24 park is located, regardless of whether the action is related to other  
25 causes of action that could be filed elsewhere: *subject to a change*  
26 *of venue only to remove the action to the county where the*  
27 *mobilehome park is located.*